

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WILLIAM JEVON EVANS,

Plaintiff,

Case Number: 2:09-CV-14832

v.

HON. LAWRENCE P. ZATKOFF

BARBARA SAMPSON, ET AL.,

Defendants.

**ORDER DENYING
PLAINTIFF'S MOTION FOR RECONSIDERATION**

Plaintiff William Jevon Evans, a Michigan Department of Corrections prisoner, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. On January 28, 2010, the Court summarily dismissed Plaintiff's cause of action, without prejudice, because "the substance of his complaint clearly challenges the revocation of parole." Plaintiff has filed a motion for reconsideration of the January 28, 2010 Order (Docket #5).

The Court has reviewed and considered the arguments in Plaintiff's motion for reconsideration and again reviewed Plaintiff's complaint. As it did when rendering the January 28, 2010 Order, the Court concludes that:

In this case, Plaintiff purports to challenge the procedures used during the parole revocation process rather than the revocation of parole. However, the substance of his complaint clearly challenges the revocation of parole. The decision revoking his parole has not been invalidated. Thus, Plaintiff's claims are not properly filed under 42 U.S.C. § 1983 and the complaint will be dismissed without prejudice. *Hodge v. City of Elyria*, 126 F. App'x 222, 223 (6th Cir.2005) (holding that cases dismissed pursuant to *Heck* should be

dismissed without prejudice so that plaintiffs may re-assert their claims if they obtain reversal or expungement of their convictions).

Accordingly, the Court hereby ORDERS that Plaintiff's Motion for Reconsideration (Docket #5) be DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: May 19, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on May 19, 2010.

s/Marie E. Verlinde
Case Manager
(810) 984-3290